

REMARKS

Applicants thank the Examiner for the consideration given the present application. Claims 24-48 are pending in this application. Claims 24 and 36 are independent. Reconsideration of this application is respectfully requested.

Claim Rejection under 35 USC § 102

Claims 24-48 stand rejected under 35 USC § 102(e) as being anticipated by Karr et al. (U.S. Patent Publication No. 20030222820). This rejection is respectfully traversed.

Claim 24, recites, in part, a method for locating a portable device wherein a signal is transmitted from the portable device and received at various strengths at plural receivers in plural zones or wherein plural signals are transmitted from plural transmitters in plural zones and received at various strengths by the portable device. The signals which are received are ranked in the order of strength, and the m strongest signals are considered to be a first subset, where m is a positive integer. When a majority of the m strongest signals of the first subset are associated with a same zone, that same zone is considered to be a candidate zone.

As described in greater detail in the present application, the ranking of signals and the association of the majority of the m strongest signals within the same zone as the first subset forms the “majority rule” portion of the recited method for locating the portable device.

Claim 24, further recites, in part, a value “k” being added to the strongest signal not in the first subset, which may or may not change the ranking of the signals received at various strengths in the order of strength. After adding the value “k,” the m strongest signals are again considered to be a second subset. When a majority of the m strongest signals of the second subset are associated with a same zone, determining whether that same zone matches the candidate zone, and if so, the portable device is determined to be located in the candidate zone.

The sequential creation of a second subset forms the basis for the “stability rule” portion of the method for locating the portable device.

Accordingly, the recited method identifies a portable device, e.g., a wireless terminal 601, as being on a particular floor (i.e., candidate zone) determined by applying a Majority Rule and a Stability Rule. See, e.g., paragraphs 0041-0049 of the present application. Applicants submit that the sequential, majority logic recited in the claimed invention of claims 24 and 36 is neither described or suggested in the prior art of record.

Applicants respectfully submit that Karr does not describe or suggest the use of any Majority Rule and/or a Stability Rule logic, or any logic analogous to the recited limitations of claim 24, to identify a portable device as being on a particular floor. For example, while Karr suggests a wireless digital radiolocation intelligent network, there is no description or suggestion of any logic or processing technique within Karr that is analogous to the combination of limitations in claim 24 which relate to the use of majority rule logic and/or stability rule logic. Accordingly, this rejection should be withdrawn.

Further, the Office has incorrectly suggested that paragraphs 0198-0227, and 0229-0263, 0245-0282, and 0248-0396 of Karr describe individual limitations of claim 24 and/or claim 36. See, e.g., pages 3-4 of the Office Action dated December 14, 2006. Specifically, the Office has not identified any corresponding description and/or elements within the specification of Karr which relate to one or more express claim limitations. For example, the Office's application of Karr as recited on pages 3-4 of the Final Office Action dated December 14, 2006 is provided hereinafter:

ranking the signals received at various strengths in the order of strengths (0198-0227);

considering the m strongest signals to be a first subset, when m is a positive integer;

when a majority of the m strongest signals of the first subset are associated with a same zone, considering that same zone to be a candidate zone (0229-0263);

adding a value k to the strongest signal not in the first subset, which may or may or may not change the ranking of the signals received at various strengths in the order of strength;

considering the m strongest signals to be a second subset (0245-0282);

(Emphasis Added.)

The Office will note that the limitation “considering the m strongest signals to be a first subset, when m is a positive integer;” and the limitation “adding a value k to the strongest signal not in the first subset, which may or may not change the ranking of the signals received at various strengths in the order of strength;” have not been identified anywhere in the Karr reference. Since Karr does not describe or suggest any of these limitations, Applicant respectfully submits that the absence of any relevant citation in the Karr reference for these limitations is not merely an oversight by the Office.

Further, paragraphs 0229-0263 of Karr do not describe or suggest any consideration of the m strongest signals to be a first subset. There is also no description or suggestion of adding a value k , or any other value, to the strongest signal not in the first subset, which may or may not change the ranking of the signals received at various strengths in the order of strength within the Karr reference, including paragraphs 0245-0396. Accordingly, this rejection is improper as the Office has not identified each and every limitation of the claimed invention.

In order to establish anticipation, the reference must teach every element of the claim. As described in MPEP section 2131, “the identical invention must be shown in as complete detail as is contained in the . . . claim.” See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). While Karr contemplates identifying the location of a device, Karr does not provide any details of any system or method that incorporates the unique logic recited in claim 24. The Office has not identified any corresponding logic within the Karr reference that is even related to the recited limitations of claim 24.

Applicants have reviewed the complete disclosure of Karr et al. and have not identified any teaching or suggestion of adding a value k to the strongest signal not in the first subset, which may or may not change the ranking of the signals received at various strengths in the order of strength, considering the m strongest signals to be a second subset, and/or when a majority of

the m strongest signals of the second subset are associated with a same zone, determining whether that same zone matches the candidate zone, and if so, determining the portable device to be located in the candidate zone. Accordingly, this rejection is improper and should be withdrawn.

As described above with respect to claim 24, Applicant submits that the Office has also not shown each and every limitation of independent claim 36 in the prior art of record. Specifically, claim 36 recites a combination of structural features including a processor:

- adding a value k to the strongest signal not in the first subset, which may or may not change the ranking of the signals received at various strengths in the order of strength;
- considering the m strongest signals to be a second subset;
- when a majority of the m strongest signals of the second subset are associated with a same zone, determining whether that same zone matches the candidate zone, and if so, determining the portable device to be located in the candidate zone

Applicant respectfully asserts that at least the above mentioned limitations are not shown or suggested by Karr. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Applicant does not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, however, Applicant may have not addressed all characterizations of the art and reserves the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by Applicant to any of the Examiner's positions does not constitute a concession of the Examiner's positions. The fact that Applicant's comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

CONCLUSION

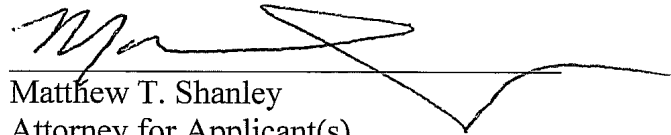
Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Matthew T. Shanley, Applicants' Attorney at 1.703.963-6047 so that such issues may be resolved as expeditiously as possible.

For these reasons, this application should now be considered to be in condition for allowance and such action is earnestly solicited.

Applicant respectfully petitions for a one month extension of time for entry and consideration of this response. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-1602 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully Submitted,

March 23, 2007
Date


Matthew T. Shanley
Attorney for Applicant(s)
Reg. No. 47,074

McGrath, Geissler, Olds & Richardson, PLLC
PO BOX 1364
Fairfax, VA 22038-1364
Tel. 703-621-7140

SLL/MTS